

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
TUESDAY, MAY 2, 2006
10:00 A.M.**

County Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Planning Commissioners Present: Jon Carlson, Chair
Eugene Carroll, Vice Chair
Mary Strand
Gerry Krieser
Roger Larson
Dick Esseks
Lynn Sunderman
Tommy Taylor

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Marvin Krout, Planning Director
Mike DeKalb, Planning Department
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 10:05 a.m.

AGENDA ITEM

Mike DeKalb, Planning Department, introduced Dave Ptak, an attorney in the Norfolk, Nebraska law firm of Stratton, Ptak & Kube, P.C., noting his broad expertise in planning and zoning issues.

RURAL LAND USE ISSUES - Dave Ptak

A. Acreages

Dave Ptak noted that 90% of Lancaster County's population lives in the City of Lincoln and 1% lives on farms. He said it is estimated that in 2000, 2,500 will live on farms and said, according to the Comprehensive Plan, that number is estimated to increase to 3,600 by 2025 and 5,000 by 2050. Ptak said 6% of the population lives on acreages. That number was estimated at 15,700 in 2000 and is estimated to grow to 22,800 by 2025 and 33,000 by 2050. He predicted that the number of acreages will more than double by 2050.

Workman asked Ptak's opinion of the County's density of 32 units per square mile.

Ptak said citizen input is key and said it will be important to balance City and County interests.

Larson said the City is ringed with acreages and said the problem will be how to move through the ring and provide city services to subdivisions outside that ring.

Ptak said there will need to be communication between the City and County. Subdivision agreements with developers will also be important growth management tools.

Larson he believes large acreage lots are an inefficient use of land.

It was noted that "build through" (guidelines allowing for future acreage development to be converted to an urban-style configuration when they are brought into the City), "clustered" subdivisions (encourages smaller parcels and incorporates open space features) and other techniques are utilized.

Carlson asked whether there is a way to create a home site and use up the density, in the same manner as clustered development, until it is ready to be subdivided.

Ptak said clustered development may be an easier solution.

Carlson noted the situation where someone just wants to buy three acres for a house and doesn't want to buy 20 acres.

DeKalb said the "20" (sets the minimum lot size at 20 acres in the Agriculture (AG) District) is designed to minimize impact on the system and allow the City to grow into it. He said the landowner can apply for a change of zone and subdivision for the balance of the 20 acres later on.

Strand asked how to balance the affordability factor.

Ptak said if prices are too high for residential development , there may still be interest on the part of commercial or industrial interests.

Esseks suggested dividing acreage developments into two broad categories: 1) Tier One and Tier Two (future service limits); and 2) Tier Three (long-term growth) and beyond. He asked what criteria should be used for the second category.

Ptak said development is often is guided by physical characteristics: soils, amount and depth of groundwater, slopes, stormwater runoff, drainage, etc. He said the Comprehensive Plan can help guide those decisions.

Workman said there is also an issue of fairness.

Heier asked, "Should we be looking at clustered development, as the City has done, only on one acre lots?"

Ptak said that is certainly an alternative.

DeKalb said the Health Department wants three acres to provide for septic systems or lagoons.

Hudkins asked Ptak what the County should look at between Agriculture (AG) and Agriculture Residential (AGR) or in environmentally sensitive areas.

Ptak suggested utilization of a "Point System" (allowing for higher density acreage development when certain criteria are met), noting that has been effective in Cass County.

Workman said the County had a point system, but said it didn't seem to work.

Larson said he believes there needs to be a mechanism to increase density in the outlying ring of acreages.

Carlson said, "I don't think we can solve the problem by saying, let's just allow the urban development density out in the County. That way, when the City gets there it will already be there."

Larson said he doesn't believe it is realistic to think that the 32 per square mile density can be retained forever.

Stevens said a CUP places an easement on the outlot and once it becomes Tier One land, there could be increased density, at least on the outlot.

Esseks said he prefers keeping residential development outside the City to a small level to limit competition.

B. Rural Businesses

Schorr said, as the City grows, more and more businesses want to move out into the County that don't really fit within the Zoning Regulations. She said the County Board is concerned with what type of impact "opening the door" to any type of business in the agricultural area would have.

Ptak said "What you allow out there is probably as important a decision as it is where you allow it to locate." He said ag-related or value-added businesses will probably always be welcomed by the farmers, versus more commercial, city-type businesses. Ptak said Commissioners need to decide whether the business is something that works with the residential development, whether or not residential development is creating demand for the business, or whether business is simply looking at land costs. He said special permits are a way to allow a business to exist and provide oversight.

C. Farm Family Splits

Ptak noted the problem that occurs when there is a "farmstead split" (a split-off of a farmhouse in existence for more than five years, that passes minimum housing code and health inspection of septic system and well) or a hired hand's house that doesn't work out and the farmer wants to recover their investment.

DeKalb gave an relayed situations that have occurred in Lancaster County.

Ptak said he has no problem with allowing a farmstead split but said problems are compounded when additional development is allowed, usually because of where they are built. Ptak recommended applying density and cluster requirements.

D. Urban Sprawl

This item was not covered in the discussion.

E. New Legislation and Case Law Affecting Towns and Counties

Ptak said in terms of case law, the biggest issue from the counties' perspective dealt with confined feeding operations.

It was noted that Lancaster County was unsuccessful in getting legislation passed this session to provide for Transfer of Development Rights (TDR).

Stevens exited the meeting at 11:40 a.m.

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, APRIL 27, 2006

MOTION: Hudkins moved and Heier seconded approval of the Staff Meeting minutes of April 27, 2006. Hudkins, Heier, Workman and Schorr voted aye. Stevens was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 RURAL LAND USE ISSUES - Dave Ptak

- A. Acreages
- B. Rural Businesses
- C. Farm Family Splits
- D. Urban Sprawl
- E. New Legislation and Case Law Affecting Towns and Counties

Items A-E were moved forward on the agenda.

4 ADJOURNMENT

MOTION: Workman moved and Heier seconded to adjourn the meeting at 11:50 a.m. Hudkins, Heier, Workman and Schorr voted aye. Stevens was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk